

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.566 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- RAMNAGAR District- West Champaran

KALAMUDDIN Son of Wahab Khan Resident of Village- Sohasa
Chhawaghariya, P.S. Ram Nagar, District- West Champaran.
... .. Appellant/s

Versus

THE STATE OF BIHAR Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1032 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- RAMNAGAR District- West Champaran

HIRAMAN RAM Son of Lalu Ram R/O Sohasa, Chhawdhariya, P.S. -
Ramnagar, District - West Champaran. Appellant/s

Versus

1. The State of Bihar
2. Rameshwar Ram Son of Late Indar Ram R/O Sohasa, Chhawdhariya, P.S. -
Ramnagar, District - West Champaran.
.. ... Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 566 of 2022)

For the Appellant/s : Mr.Sanjeev Kumar Shrivastava

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 1032 of 2022)

For the Appellant/s : Mr.Bimlesh Kumar Pandey

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

9 24-02-2023 Though notice has been issued to O.P. No. 2, no one
has turned up to assist the Court.

Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Both the appeals have been filed by the appellants
against the orders dated 20.01.2022 and 14.02.2022 respectively
passed by learned 1st Additional District & Sessions Judge-cum-
Special Judge (SC/ST), Bettiah, West Champaran in BP No. 111



of 2022 and B.P. No. 434 of 2022 respectively whereby the prayer for bail of the appellants in connection with Ram Nagar P.S. Case no. 357 of 2021 under Sections 302, 376, 201, 34 of the Indian Penal Code and section 3 (i) (r) (s) (w) / (ii) (v) of SC/ST Act have been rejected.

As per allegation in the FIR, on 22.10.2021, sister-in-law of the informant went to Belaura Badhar for cutting grass and till evening she did not return back to home. During search, on next day, her dead body was found in sugar cane field of Hakim Mian, covered with green munjban. It is further alleged that accused Hiranman Ram had called his sister-in-law in the afternoon for the purpose of cutting munj and accused Kalamuddin was also present there and informant claimed that both the appellants after committing rape, killed his sister-in-law.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. The name of the appellants transpired in this case at the instance of village enemies. Informant is not an eye witness to the alleged occurrence and only on the basis of suspicion, he has implicated the appellants in this case. Both the appellants are languishing in judicial custody since 24.10.2021.



The application for bail is opposed by learned Spl. PP for the State.

As per FSL report, blood sample of Kalamuddin Ansari does not match with the genetic profile generated from the source of exhibit market-1 (vaginal swab cuttings).

Having heard learned counsel for the parties and considering the fact that as per FSL report, there is no allegation of commission of rape upon the deceased by appellant Kalamuddin Ansari, the Court is inclined to set aside the impugned order dated 20.01.0222 passed in B.P. No. 111 of 2022, It is accordingly set aside.

The appellant Kalamuddin is directed to be enlarged on bail in connection with Ram Nagar P.S. Case No. 357 of 2021 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran.

So far as appellant Hiranman Ram is concerned, as per FSL report, on the basis of observation, it is sufficient to conclude that the source of exhibit marked-II (Source-Blood sample of Heeraman Ram) contributes DNA in the Source of exhibit marked-1 (Source-Vaginal swab cuttings). blood sample



of Hiranman Ram contributes DNA with the genetic swab of the deceased. Doctor has opined in postmortem report that victim died due to asphyxia.

Having heard the learned counsel for the parties and considering the fact that FSL report supports the commission of rape upon the deceased by appellant Heeraman Ram, this Court is not inclined to enlarge him on bail and, as such, prayer of appellant Heeraman Ram for bail stands rejected and the impugned order dated 14.02.2022 passed by learned additional district and sessions judge 1st -cum- Special Judge, SC/ST Bettiah, West Champaran in B.P. No. 434 of 2022 does not need any interference.

The application stands disposed off.

(Sunil Kumar Panwar, J)

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